S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4468/2007
(Vikash Vs. State of Rajasthan)

DATE OF ORDER : 25/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. M.K.Garg for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that no overt act has been assigned to the present petitioner and the petitioner has not inflicted any injury to any of the injured.

Learned public prosecutor submits that the petitioner came along with the assailants but did not inflict any injury.

Looking to the facts and circumstances of the case and the fact that the petitioner did not inflict any injury to injured persons and no specific overt act has been assigned to him, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Vikash S/o Jai Gopal, in FIR No. 320/2006 P.S. Gangashahar, Bikaner, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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